



# Getting Involved in the Hazardous Waste Permitting Process

Hazardous Waste Program fact sheet

7/2003

The Missouri Department of Natural Resources' Hazardous Waste Program wrote this fact sheet to introduce Missouri citizens to some important features of the hazardous waste permit process. Businesses should refer to the appropriate state and federal laws and regulations and should request the fact sheet, *Does Your Business Generate Hazardous Waste?* (Pub117) from the department's Outreach and Assistance Office.

## What is a Hazardous Waste Permit?

Facilities or businesses that want to treat, store or dispose of hazardous waste in Missouri must obtain a *Hazardous Waste Management Facility Permit*, which is a hazardous waste permit. A hazardous waste permit is a legal document that lists the following:

- What kind of hazardous waste the facility can manage
- How the facility performs waste management activities

Who issues Hazardous Waste Permits in Missouri?

A hazardous waste permit is composed of two parts. The Missouri Department of Natural Resources (department) issues Part 1. The U.S. Environmental Protection Agency (EPA) issues Part 2. Part 2 contains federal requirements that the state has not adopted or is not allowed to handle for EPA.

## What are the Steps in the Permitting Process?

### Step 1: Start the Process

The facility must hold a meeting with the public before they can submit a permit application. They must publicize the pre-application meeting by doing the following:

- Put up a sign on or near the facility property
- Broadcast an announcement on local radio or television
- Place an advertisement in a local newspaper

The public can ask questions and offer suggestions at the meeting. At the same time, facility employees can get an understanding of the public's point of view and address public concerns. The facility posts a sign-in sheet at the meeting for those who want to be included on the facility mailing list. People on this list receive regular updates about the facility.

### Step 2: Apply for a Permit

After the public meeting, the facility sends a two-part permit application to the Department of Natural Resources and a copy to EPA. Part A of the application is a short form that contains

general information about the facility. Part B is often a long, detailed technical document that focuses on the following:

- How the facility will be designed, constructed, maintained and operated to be protective of public health and the environment
- How any emergencies and spills will be cleaned up, should they occur
- How the facility will close and clean up once it is no longer operating
- How the facility will pay for any clean up

### Step 3: Receive, Review and Revise the Application

The Permits Section of the Department of Natural Resources reviews hazardous waste permit applications. As soon as the department receives a permit application, the public is notified by a legal notice in a local newspaper. The department also sends a copy of the legal notice to everyone on the facility mailing list. The notice states that the department received the application and will make it available for public review and comment. The department then places a copy of the application in a public area, usually a public library near the facility.

While the public is looking at the application, the department is also reviewing it to make sure it follows the Missouri Hazardous Waste Management Law. The department also studies the planned design and operation of the facility for sound engineering principles. If the application is incomplete, the department sends the facility a letter that requests any missing information.

### Step 4: Draft the Permit

When the application is complete, the department decides to either issue or deny a draft permit. The department must deny a draft permit if the application is inadequate or the facility cannot make the requested changes. The department then prepares a “notice of intent to deny”. The department issues a draft permit if it decides that the application meets legal and engineering requirements. The draft permit states the conditions that the facility can operate under if the permit is approved.

As soon as the department finishes writing the draft permit or notice of intent to deny, a legal notice is placed in a local newspaper. The department also sends a copy of the legal notice and a fact sheet explaining its decision to everyone on the facility mailing list. The same day that the legal notice is published, a public service announcement from the department is broadcasted on two local radio stations. The department then places a copy of the application and draft permit in a public area, usually a public library near the facility.

### Step 5: Public Comment Period

The 45-day public comment period begins the day the legal notice is published. During this time, the department invites the public to review the draft permit and send written comments and suggestions to the department.

During the public comment period, anyone can request a public hearing on the draft permit. The hearing request must state what issues are to be brought up during the hearing. The department may also hold a public hearing at its own discretion. In either case, the department will give the public a 30-day notice before the hearing.

#### Step 6: Final Permit Decision

At the end of the public comment period, the department reviews all written comments and any comments mentioned at the public hearing, if one was held. The department may revise or deny the permit based upon technical or legal issues brought up by the comments. The department then writes a “summary and response to comments”. This document summarizes all the comments and explains how each one was addressed or rejected in the final permit.

The department announces its final decision to issue or deny a permit by sending out a news release to area newspapers. A copy of the news release, along with the summary and response to comments, is also sent to everyone on the facility mailing list and anyone who commented on the draft permit. The department then places a copy of the final permit and the comment summary in a public area, usually a public library near the facility.

### **Can a Hazardous Waste Permit be Appealed?**

Yes. The facility or any aggrieved person may request an appeal within 30 days from the final permit issue date. The person requesting the appeal files a written petition with the Missouri Hazardous Waste Management Commission. The petition must be limited to the issues mentioned during the public comment period that the petitioner feels were poorly addressed in the final permit. The commission cannot review any petition containing issues that were not brought up during the public comment period. However, the commission can review petitions on requirements in the final permit that were not in the draft permit.

#### What happens after the Hazardous Waste Permit is Issued?

Even after issuing a permit, the department continues to watch over the construction and operation of the facility. They make sure that the facility continues to follow state and federal laws and the permitted activities.

### **Permit Modification**

Either the facility or the department can request a change in the permit. These changes can vary from a minor adjustment to a complete overhaul of the permit. This flexibility allows the facility to improve operations and change in response to new laws. The more drastic the change, the more opportunities that are available for public comment. No matter who initiates the change, the public can only comment on the part of the permit that is changing.

### **Permit Revocation**

If a facility breaks the terms of its permit, the department can cancel the permit.

### **Permit Renewal**

Hazardous waste permits are good for up to 10 years. By limiting the length of the permit, the department can assure that it periodically reviews the facility's waste management activities. The facility must send the department a new application for another permit six months before the original permit expires.

## How Do I Become Involved?

The permitting process gives you several chances to express your ideas and concerns. The pre-application meeting, public comment period and public hearing are all events where you can speak with the facility and the department. Listed below are things you can do both during and outside the permitting process:

- **Ask the department to add your name to the facility mailing list.** Call or write to the department to have your name placed on the mailing list for any facility that is listed. By doing this, you can receive notice from the department on any major permitting activities for that facility.
- **Do your own research.** Talk to local officials and research or industry organizations.
- **Get involved with groups in the community.** Get in touch with environmental, public interest and community groups that are interested in the facility. Become involved in their activities.
- **Ask to have information explained to you.** If you need to clear up some details about the facility or the permitting process, ask the department for an informational meeting. You can also call the facility and ask for additional information, meet with their staff, or tour the facility.
- **Send the department written comments that are clear and to the point.** Your comments are effective if they point out legal or technical mistakes in the permit application or draft permit. Comments that only support or oppose a permit do not affect the final permit. Written comments are welcome any time up to the end of the public comment period.
- **Go to the public hearing and other meetings.** Share your comments and concerns with the facility, public and the department. Provide facts that support your point of view. Remember that a public hearing will not take place unless someone from the public requests one in writing.
- **Follow the process closely.** Watch for the final permit and review the department's responses to public comments. Remember that you can appeal the department's decisions.

## For More Information

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